

The Gazette of India

EXTRAORDINARY

PART II—Section 3—Sub-section (1)

PUBLISHED BY AUTHORITY

No. 105]

NEW DELHI, FRIDAY, JULY 11, 1958/ASADHA 20, 1880

MINISTRY OF LAW

NOTIFICATIONS

New Delhi, the 11th July, 1958/Asadha 20, 1800 (Saka)

G.S.R. 603.—In exercise of the powers conferred by clause (b) of sub-section (3) of section 27A of the Representation of the People Act, 1950 (43 of 1950) read with section 28 of that Act, the Central Government, after consulting the Election Commission, hereby makes the following rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Delhi Electoral College (Election of Members) Rules, 1958.

(2) They shall come into force at once.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

(a) “constituency” means a constituency provided by order made under rule 3 for the purpose of elections to the electoral college from the areas within the New Delhi Municipal Committee and the Delhi Cantonment Board;

(b) “electoral college” means the electoral college for the Union Territory of Delhi constituted by sub-section (3) of section 27A of the Representation of the People Act, 1950 (43 of 1950);

(c) “form” means a form appended to these rules.

3. **Delimitation of constituencies.**—(1) The Central Government shall, after consulting the Election Commission, by order determine:—

(a) the constituencies into which the areas comprised within the New Delhi Municipal Committee and Delhi Cantonment Board shall be divided for the purpose of election of members to the electoral college;

(b) the extent of each constituency; and

(c) the number of seats allotted to each constituency.

(2) The Central Government may in like manner from time to time alter or amend the order made under sub-rule (1).

4. **Qualifications for membership.**—A person shall not be qualified to be chosen as a member of the electoral college unless his name is entered in the electoral roll for any constituency formed under rule 3.

5. **Disqualifications for membership.**—A person shall be disqualified for being chosen as a member of the electoral college if he is for the time being disqualified for being chosen as a member of either House of Parliament.

6. Electoral rolls for the constituencies.—(1) So much of the electoral roll for any parliamentary constituency for the time being in force as relates to the area comprised within a constituency formed under rule 3 shall be deemed to be the electoral roll for that constituency for the purpose of these rules.

(2) The Chief Electoral Officer for Delhi shall, as soon as may be after the order under rule 3 is made, publish in such manner, as the Election Commission may direct, a statement showing the part or parts of the electoral roll for the parliamentary constituency or constituencies relating to the area comprised within a constituency formed under rule 3.

7. Right to vote.—Every person whose name is for the time being entered in the electoral roll for a constituency shall be entitled to vote at the election of a member of the electoral college from that constituency.

8. Termination of membership for certain disqualifications.—If a member of the electoral college elected under these rules becomes subject to any disqualification for membership of Parliament under the provisions of the Constitution or of the Representation of the People Act, 1951 (43 of 1951), he shall thereupon cease to be a member of the electoral college.

9. Notification for election.—As soon as may be after the commencement of these rules, the Election Commission shall, by notification in the Gazette of India, call upon each constituency to elect a member or members before such date as may be specified in the notification and shall also by that notification appoint—

- (a) the last date for making nominations, which shall be the seventh day after the date of publication of the notification or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (b) the date for the scrutiny of nominations which shall be the second day after the last date for making nominations, or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (c) the last date for the withdrawal of candidatures which shall be the third day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday; and
- (d) the date on which a poll shall, if necessary, be taken which shall be a date not earlier than the tenth day after the last date for the withdrawal of candidatures.

Explanation.—In this rule, "Public holiday" means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881 (26 of 1881) or any day which has been notified by the Administrator to be a holiday for the Government offices in the Union territory of Delhi.

10. Conduct of elections.—Save as otherwise provided in these rules the provisions contained in the Representation of the People Act, 1951, and in the rules made thereunder shall as far as may be, apply in relation to the conduct of election of members to the electoral college as they apply in relation to the conduct of election of members to the House of the People subject to the exceptions and modifications specified below:—

- (a) Chapters I and II of Part II, Part III, sections 30, 39, 54, 55, 55A, 60 and 64 and Chapters VI, VII and VIII of Part V, Parts VI, VII and IX and section 152 and sections 154 to 158 of Part X of the said Act shall not apply in relation to the conduct of such election;
- (b) any reference in the said Act to section 30 shall be construed as a reference to rule 9 of these rules;
- (c) in sub-section (1) of section 34, for clauses (a), (b) and (c), the following words shall be substituted, namely:—
"a sum of one hundred rupees or, if the candidate is a member of a Scheduled Caste, a sum of fifty rupees:";
- (d) in sub-section (2) of section 36, for clause (a), the following clause shall be substituted, namely:—
"(a) that the candidate either is not qualified or is disqualified for being chosen as a member of the electoral college;"
- (e) rules 42 and 43 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, shall not apply;

- (f) the provisions of rule 11 of these rules shall be followed in the counting of votes recorded at a polling station to the exclusion of rules 53, 55 and 56, sub-rule (5) of rule 57 and rules 58 and 59 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956.

11. Counting of votes recorded at a polling station.—(1) On the date appointed for the taking of the poll under clause (d) of rule 9 of these rules votes shall be counted by, or under the supervision and direction of, the presiding officer at the polling station immediately after the close of the poll and each candidate, his election agent, if any, and one polling agent shall have a right to be present at the time of counting.

(2) Before the commencement of the counting the presiding officer shall exclude from the polling station all persons except—

- (a) such persons as he may appoint to assist him in the counting,
- (b) the contesting candidates and their agents,
- (c) persons authorised by the Election Commission, and
- (d) public servants on duty:

Provided that no person who has been employed by, or on behalf of, or has been otherwise working for a candidate in or about the election shall be appointed under clause (a).

(3) The presiding officer shall, before he commences to count the votes, read the provisions of section 128 of the Representation of the People Act, 1951 (43 of 1951), to such persons as may be present and shall then take up the counting of votes recorded on the ballot papers used at the polling station.

(4) The presiding officer shall allow the candidates and their agents who may be present reasonable opportunity to inspect all ballot papers which in the opinion of the presiding officer are liable to be rejected, but shall not allow them to handle those or any other ballot papers.

(5) The presiding officer shall on every ballot paper which is rejected record briefly the grounds for its rejection.

(6) After the completion of the counting, the presiding officer shall record in a statement in Form 1 the total number of votes polled by each candidate:

Provided that on the application of any candidate or his agent before the compilation of the statement in Form 1 a total or partial recount shall be made by the presiding officer and the result of the recount shall be recorded in Form 1, but the presiding officer may reject any such application if it appears to him to be frivolous or unreasonable, recording at the same time the grounds for such rejection.

(7) The valid ballot papers shall then be placed in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely:—

- (a) the name of the constituency,
- (b) the particulars of the polling station where the ballot papers have been used,
- (c) the names of the candidates,
- (d) the date of the poll at such polling station, and
- (e) the date of counting.

(8) All ballot papers which are rejected under this rule shall be kept in a separate packet and the particulars specified in sub-rule (7) shall be recorded on that packet.

(9) The returning officer shall, on receipt of the statements in Form 1 from all the polling stations in the constituency, prepare a consolidated statement in Form 2 giving the total number of valid votes polled by each candidate and forthwith declare to be elected the candidate or candidates to whom the largest number of valid votes has been given.

12. Notification of result of elections.—The names of all persons elected to the electoral college under these rules shall be published by the Election Commission in the Gazette of India.

13. Terms of office of members.—Save as otherwise provided in rule 14, the term of office of a member of the electoral college elected under these rules shall be four years and shall commence from the date of notification of his election under rule 12.

14. Casual vacancies.—(1) When the seat of a member of the electoral college elected under these rules becomes vacant by reason of his death, disqualification or resignation, or by reason of his election to the electoral college being declared void, the Election Commission shall by notification in the Gazette of India, call upon the constituency concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification, and the provisions of these rules shall apply in relation to the election of a member to fill such vacancy.

(2) The term of office of a member elected to fill a casual vacancy shall commence from the date of the notification of his election under rule 12 and shall continue so long only as the member in whose place he is elected would have been entitled to hold office, had the vacancy not occurred.

15. Dispute as to elections.—In the event of any dispute arising out of any election held under these rules, the provisions of Part VI and Part VII of the Representation of the People Act, 1951 (43 of 1951), shall, so far as may be, apply in relation to the decision of such dispute as they apply in relation to the decision of any dispute arising out of the election of a member to the House of the People held under the said Act.

16. Power of Election Commission to give directions.—If any difficulty arises in relation to the election of members to the electoral college under these rules or in relation to the application of the Representation of the People Act, 1951 (43 of 1951), or the rules made thereunder to such elections, the Election Commission may give such directions as it considers necessary for the removal of such difficulty.

FORM 1

Statement of votes Polled

[See rule 11(6)]

Election to the Delhi Electoral College from constituency.
Polling Station.....

No. of valid votes polled by

A

B

C

Total

No. of rejected votes... ..

No. of tendered votes . . .

Dated

Presiding Officer.

FORM 2

Consolidated Statement of Valid Votes Polled

[See rule 11(9)]

Election to the Delhi Electoral College fromconstituency.

Sl. No.	Serial No. and name of polling station	Valid votes polled.				No. of rejected votes	No. of tendered votes.
		A	B	C	Total		

Returning Officer.

[No. F. 7(3)/58-Elections]

Dated

G.S.R. 604.—In pursuance of rule 3 of the Delhi Electoral College (Election of Members) Rules, 1958, the Central Government, after consulting the Election Commission, hereby makes the following Order, namely:—

1. This Order may be called the Delimitation of Delhi Electoral College Constituencies Order, 1958.

2. The constituencies into which the areas within the New Delhi Municipal Committee and the Delhi Cantonment Board shall be divided for the purpose of election to the electoral college and the extent of each such constituency shall be as shown in the Table appended to this Order; and the number of seats allotted to each of the constituencies shall be one.

TABLE

Sl. No.	Name of constituency	Extent of constituency
(1)	(2)	(3)
1.	Barakhamba	The area bounded by Minto Road, the western part of Connaught Circus, Curzon Road, Wellesley Road, Mathura Road and the Railway line.
2.	Gole Market	The area bounded by Chelmsford Road and Basant Road from New Delhi Railway Station, Panchkuin Road, Reading Road, Peshwa Road, the western part of the outer boundary of Gole Market, Market Road, Havelock Road, the northern part of Alexandra Place, Irwin Road, the western part of Connaught Circus, Minto Road and the Railway line.
3.	Reading Road	The area bounded by Panchkuin Road, New Link Road, Upper Ridge Road, Kitchner Road, South western part of Willingdon Crescent, South Avenue, Dalhousie Road, Freeman Avenue, South Sunken Road, the road connecting South Sunken Road and North Sunken Road, North Sunken Road, Brassey Avenue, Church Road, North Avenue, Irwin Road, the western part of Alexandra Place, Havelock Road, Market Road, the western part of the outer boundary of Gole Market, Peshwa Road and the Reading Road.
4.	Parliament House	The area bounded by the southern part of Connaught Circus, Irwin Road (including Alexandra Place), North Avenue, Church Road, Brassey Avenue, North Sunken Road, the Road connecting North Sunken Road and South Sunken Road, South Sunken Road, Freeman Avenue, Dalhousie Road, Prince Edward Place, Rajpath and Curzon Road.
5.	Prithvi Raj Road	The area bounded by Rajpath, Prince Edward Place, Dalhousie Road, South Avenue, Teen Murti Marg, Safdarjang Road, Tughlak Road, Lodi Road, Mathura Road and Wellesley Road.
6.	Lodi Colony	The area bounded by Lodi Road, Qutab Road, the Ring Railway and the Fourth Avenue.
7.	Vinaynagar East	The area bounded by the Ring Railway, the Khushak Nala, the proposed nala upto its junction with the road leading to X Avenue and then towards west upto its junction with the road running between block D and open Park and then towards north upto its junction with the Third Street (Seventh cross Road) and then towards west to its junction with M Avenue and then towards south by M Avenue and by the boundary of New Delhi Municipality then by the South boundary of Medical Enclave again by the boundary of New Delhi Municipality, Khushak Nala and Qutab Road.

1	2	3
8.	Vinaynagar Central	The area bounded by Khushak Nala, the proposed nala upto its junction with X Avenue and then towards west upto its junction with the road running between block D and open Park and then towards North upto its junction with the Third Street (Seventh cross Road) and then towards west to its junction with M Avenue and then towards North by M Avenue and the Ring Railway.
9.	Chanakya Puri	The area bounded by Kitchner Road, Ring Road, M Avenue, Ring Railway, Qutab Road, Tughlak Road, Safdarjang Road, Teen Murti Marg and Willingdon Crescent.
10.	Delhi Cantonment	The area within the local limits of the Delhi Cantonment Board.

[No. F. 7(3)/58-Elections.]

K. Y. BHANDARKAR, Secy.